

# NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

## NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R08-397]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 8, Department of Health Services – Food, Recreational, and Institutional Sanitation  
**Article and its heading:** 7, Public Schools  
**Section numbers:** R9-8-701 and R9-8-710 (Sections may be added, deleted, or modified as necessary.)

**2. The subject matter of the proposed rules:**

This Notice of Rulemaking Docket Opening replaces the Notice of Rulemaking Docket Opening that was published August 8, 2008, in order to give sufficient notice of the purpose of the rulemaking. The purpose of this rulemaking is to amend the rules for public schools in 9 A.A.C. 8, Article 7. Due to the danger of rabies transmission posed by bats found by children attending public schools, the Department is amending R9-8-710 to require that indoor and exterior areas of public schools are kept free of roosting bats. The Department is also amending R9-8-710 to require that, if bats are found roosting in the interior of structures on public school premises, they are removed by an Arizona Game and Fish Department Wildlife Service licensee, and if bats are found roosting on the exterior of a structure on public school premises, the school consults with the Arizona Game and Fish Department to receive direction on techniques the school can use to discourage roosting on the exterior of a structure. The amended rules also require that if bats are roosting in a bat house authorized by the school to be on school premises, the bat house is inaccessible to students. The Department is amending the definitions in R9-8-701 to reflect the changes made to the Article.

**The agency docket number:**

RE-026-08

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 3186, August 8, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 4382, November 28, 2008 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Elisabeth Lawaczeck, DVM, State Public Health Veterinarian

Address: Department of Health Services  
Office of Infectious Disease Services  
150 N. 18th Ave., Suite 140  
Phoenix, AZ 85007

Telephone: (602) 364-4562

Fax: (602) 364-3198

E-mail: lawacze@azdhs.gov

or

Name: Kathleen Phillips, Esq.  
Administrative Counsel and Rules Administrator

Address: Department of Health Services  
Office of Administrative Counsel and Rules  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

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**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Notice of Proposed Rulemaking: 14 A.A.R. 4382, November 28, 2008 (*in this issue*)

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF COMMERCE**

[R08-396]

**1. Title and its heading:**

20, Commerce, Financial Institutions, and Commerce

**Chapter and its heading:**

1, Department of Commerce

**Article and its heading:**

5, Military Installation Fund

**Section numbers:**

R20-1-501 through R20-1-517 (Sections may be added, deleted, or modified as necessary.)

**2. The subject matter of the proposed rule:**

The Department, in conjunction with the Arizona Military Affairs Commission (AMAC), is amending these rules to make them more clear, concise, and understandable and to address minor issues that have been identified during the three years that AMAC has received and acted upon applications for funding from the Military Installation Fund.

**3. A citation to all published notices relating to the proceeding:**

None

**4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Deb Sydenham  
Address: Department of Commerce  
1700 W. Washington St., Suite 420  
Phoenix, AZ 85007  
Telephone: (602) 771-1127  
Fax: (602) 771-1210  
E-mail: debs@azcommerce.com

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Department will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

The Department and AMAC invite comments about possible rule changes at the following public meetings:

Tuesday, December 2, 2008, 6:00 p.m.  
Estrella Mountain Community College  
South Community Room  
3000 N. Dysart Road  
Avondale, AZ 85392

Tuesday, December 9, 2008, 4:00 p.m.  
Yuma County Board of Supervisors Auditorium  
198 S. Main St.  
Yuma, AZ 85364

Thursday, December 11, 2008, 6:00 p.m.  
Randolph Golf Complex Clubhouse – Copper Room  
600 S. Alvernon Way  
Tucson, AZ 85726

Friday, December 12, 2008, 8:00 a.m.  
Sierra Vista City Council Chambers  
1011 N. Coronado Drive  
Sierra Vista, AZ 85635

**NOTICE OF RULEMAKING DOCKET OPENING**  
**INDUSTRIAL COMMISSION OF ARIZONA**

[R08-395]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance  
**Chapter and its heading:** 5, Industrial Commission of Arizona  
**Article and its heading:** 6, Occupational Safety and Health  
**Section number:** R20-5-602
- 2. The subject matter of the proposed rule:**  
In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission is amending R20-5-602 by adopting amendments to Subpart S, of § 1910, as published in 73 FR 64202 - 64205, October 29, 2008. Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, and can be downloaded from the Federal OSHA web site [www.osha.gov](http://www.osha.gov).
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: William M. Wright, Assistant Director  
Address: 800 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614  
E-mail: [wright.william.m@dol.gov](mailto:wright.william.m@dol.gov)
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be published in Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Not yet known